



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

ADAM M. GLOWKA, PRO SE,

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PLAINTIFF,

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v.

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CASE NO.: 5:14-18500

UNITED STATES OF AMERICA,
MEDIC JEFFREY WALKER,
(Beckley FCI)

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CLAIM FOR DAMAGES

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DEFENDANTS.

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JURY DEMANDED

JURISDICTION AND VENUE

1. The Court has jurisdiction under 28 U.S.C. Section 1331, 1346(a), the First and Fourth Amendments to the United States Constitution, and the Federal Tort Claims Act.

2. On June 22, 2013, Plaintiff submitted an Administrative Claim on Standard Form 95, Claim for Damage, Injury or Death, to the United States Bureau Of Prisons, Department of Justice. This Claim was subsequently denied on November 2013.

PARTIES

3. Plaintiff is currently a Prisoner of the United States Attorney General, in where he is incarcerated at Beckley Federal

Correctional Institution, located in Beaver, West Virginia.

4. Defendant, United States of America, is sued under the Federal Tort Claim Act for Negligence and Cruel and Unusual Punishment by Officers or Employees of the United States Bureau Of Prisons.

5. Defendant, Walker, was, at all relevant times, an employee and Officer of the United States Bureau of Prisons, Department of Justice, an Agency of the United States of America. This Defendant is sued in his or her Individual Capacity.

FACTS

6. On June 17, 2013, at approximately 3:20pm, plaintiff Glowka, stood near his ordered place to be, specifically the Beckley FCI Medical Department, awaiting his Pill Line Medications, standing in a line, facing the Medical Department Entrance. Bureau Of Prisons Medic Walker sat on a Parked Medical Transport Vehicle fabricated from a Golf Cart Type Vehicle. Medic Walker was in fact seated comfortably, leaned back in the drivers seat, with his feet placed upon the steering wheel area, or dash board, and not in any manner operating or potentially operating the Medical Vehicle.

7. An Unknown Inmate initiated a conversation to Defendant Walker was responsive as to a specific statement such as "Well, PA Cooper is your PA, I will let him know". As Defendant Walker stated this, he tried to re-adjust his position. In Doing so,

Medic Walker, leaned forward, Medic Walker then placed his feet down on the Vehicle's Floor Board. The Vehicle Abruptly came Lurching Forward. The Vehicle Medic Walker was relaxing on, came slamming into Plaintiff Glowka's Right Side. As a natural instinct, Plaintiff Glowka, raised his Right Arm, which is already injured and needing surgery, also was the main cause of standing in the Pill Line in the First place. AS Plaintiff Glowka, was not looking at the Medical Vehicle, this was a blind side impact.

8. The Medical Vehicle Struck Plaintiff Glowka with tremendous Force. There was another Inmate directly in front of Plaintiff Glowka, that was in a wheel chair. The Wheel Chair got viciously struck and was pushed violently against in natural direction of travel, causing it to break and make a very loud and popping sound.

9. The Brute of the Force was absorbed directly by Plaintiff Glowka's Hip Area, wherein the Frame of the Vehicle hit, but also caused the Right Injured Arm of Glowka to be forced upwards, causing severe pain and a loud snap from the Shoulder Area. This caused Plaintiff Glowka Severe Pain Immediately, and in the Forthcoming Months until Present.

10. As soon as the Defendant, Medic Walker, got the Vehicle to Stop, He abruptly reversed the vehicle, parked it, secured it and exited the vehicle.

11. As Medic Walker Exited the Vehicle, he quickly responded to the Inmate in the Wheel Chair. At this Same time, There was over 400 Inmates Cheering Loudly, in excitement as they returned to their respective housing units. As he attneded to the Inmate in the Wheel Chair, he asked him "Is everything Ok?". The Inmate Responded that he was "hurting around his chest" and "My Wheel Chair is broke". He immediately grabbed the wheel chair, attempting to push it stating "we will get you a new wheel chair and an X-Ray". Medic Walker exited the scene immediately, pushing the broken wheel chair with the Inmate in it.

12. Plaintiff Glowka was in a shocked and confused state, most likely from a concussion. The entire incident took place within 15-20 seconds from the time the Vehicle Struck Plaintiff Glowka, and the time the Medic Exited with the Wheel Chair Inmate.

13. Plaintiff Glowka was directly concerned with the Safety and Well Being of the Wheel Chair Inmate. As Plaitiff was also not trained and told what to do in this situation, he returned to the Unit after getting his medication, and reported this Injury Immediately to the nearest Officer.

14. As Plaintiff Glowka followed the Direct Order to Return to Medical, he was approached Angrily by the Defendant. Defendant Walker stated "Why didn't you say something when I was walking

the Inmate in the Wheel Chair in?". Plaintiff Glowka stated that "I did not know what to say, because you were walking away too quickly".

15. Plaintiff Glowka was then given a direct order to go into medical and been evaluated by a Bureau Of Prisons Official, specifically Medic Roberts. At this time, Medic Roberts allegedly went through a small serious of Medical Protocol. This was considered an Injury Assessment- Not Work related performed at Health Services.

16. During such assessment, The Medic seemed short fused and had irriated. The Exam was completed with 2.5 minutes.

17. Plaintiff Glowka has stated to the Medic of the Pain at the time and the Numbness and tingling in his Right Hand and Hip Area.

18. After being given another Direct Order to report back to Plaintiff's Housing Unit. Plaintiff Glowka Returned to his Housing Unit, where he was locked in his cell.

19. During the next few hours, The Pain Increased. Inmate Glowka Attempted to see another Medic. After consultation with the Unit Officer, He was told to wait until Pill Line. Pill Line takes place in the Evening Around 8:30pm.

20. At approximately 7:30pm Inmate Glowka was given another Direct Order to Report to the Lieutenant's Office. When Plaintiff Glowka reported to this Location there was an awaiting Lieutenant holding a camera. The Lt. told Plaintiff Glowka that he had to document some photographs of the Incident that occurred in front of medical.

21. The Lt. took several Photographs, to which He did not consent to, Inmate Glowka was then given a Direct Order to return to the Housing Unit he came from.

22. On June 18, 2013, the day after the Incident. Plaintiff Glowka was again given a Direct Order to return to the Lieutenant Office. When Plaintiff Glowka reported the Special Investigative Service (SIS) was there awaiting Plaintiff Glowka with a Digital Camcorder. Upon entry Plaintiff Glowka was told that "He must give a statement concerning the Incident in front of Medical". Upon the Initiation of this Recording, Plaintiff Glowka asked the SIS Officer, "Do I have to do this". The SIS Official stated on the Camera Recording "Yes you do". This Violated the Plaintiff's First Amendment rights, as well as the Plaintiff's Fifth Amendment Rights. At no Time was Plaintiff Glowka Charged Arrested or given a Warning Pursuant to Miranda v. Arizona. A Forced Deposition was then completed, which lasted roughly 3 minutes.

23. The Plaintiff has been held to several retaliatory tactics by the United States, Through the Bureau of Prison, Through the Department of Justice. The Medical Department has basically refused Medical Treatment. The Surgery that was intended on being performed was cancelled. The Orthopedic Surgeon stated that the Surgery was Necessary, but Not at this time. The Surgeon was Syed Zahir, MD, in the Presence of Medic Bailey, Another United States Bureau Of Prisons Official. Plaintiff was also told that there was a Bone Impingment in his right shoulder that was not previsouly there prior to the Incident. These medical Records (of the New X-Ray) have been requested but never furnished. Medical Staff has stated to Plaintiff that coming to Medical Everyday will not help. The Defendant United States has refused to treat Plaintiff due to the Injury Sustained by themselves. The Injuries are not De Minimus. There is a substantial amount of pain and joint clicking around the right hip area. The Right Shoulder Area has a considerable amount of Issues related to this Injury. There was a previous Injury on this Shoulder (R). The Injury has been seriously extended due to this Severe Negligent Act of a Government Official.

COMMON-LAW CLAIMS AGAINST
UNITED STATES
(FTCA)

24. The Actions of Medic Walker, set forth in paragraph 6-23 constitutes Negligence in violation of the West Virginia

common law. Under the Federal Tort Claim Act, the Defendant United States of America is liable to the Plaintiff for the Unlawful Actions of Medic Walker as he was acting within the Scope of his Employment as a law enforcement/Corrections Officer or Medical Health Services, of the Bureau of Prisons, United States of America. The Medic had a duty not Slam the Medical Vehicle into Plaintiff so that his suffered injuries, causing pain and suffering. The Medi Breached his Duty when he did this Act in a Manner that caused the Plaintiff Pain and Injury. This Breach of His Duty constituted Negligence in violated of the West Virginia common law and was the direct and proximate cause of the Plaintiff's Pain and Injury. Under the Federal Tort Claims Act the Defendant United States of America is liable for the Unlwaful Actions of Medic Walker as he was acting within the scope of his employment as Medical Staff of the Bureau of Prisons an entity of the United States.

25. The Actions of Medic Walker set forth in Paragraph 6-22 constitute Cruel and unusual punishment in violation of West Virginia Common Law. Under the Federal Tort Claims Act, the defendant United States of America is liable to the plaintiff for the unlwful actions of Medic Walker as he was acting within the scope of his employment as a law enforcment Officer of the United States Bureau Of Prisons.

CONSTITUTIONAL CLAIMS AGAINST
MEDIC WALKER
(BIVENS CLAIM)

26. The Actions of the Unknown Agents set forth in Paragraphs 6-22 violated Plaintiff Glowka's right to free Speech and the Right to remain Silent under the First and Fifth Amendment of the United States Constitution. The Unknown Defendant's are liable to the Plaintiff for these Unlwaful actions in violation of the Constitution.

PRAYER FOR RELIEF

A. On the Claims stated in Paragraphs 6 - 23, The Plaintiff Asks this Honorable Court to enter judgement against defendant United States of America.

B. On the Claims stated in Paragraph 6 - 23, The Plaintiff asks the Court to enter judgement against Defendant United States of America and to hold the Defendant United States of America liable to the Plaintiff for Compensatory damages.

C. On the Claims stated in paragraph's 24 - 25, The Plaintiff asks this Honorable Court to enter Judgement against defendant Medic Walker.

D. For the Injuries that the Plaintiff suffered as a result of the claims stated in paragrapghs 6 - 25, The Plaintiff asks this Honrable Court to hold Defendants United States of America and Medic Walker jointly and severally liable for compensatory damages and the costs of this action.

E. For the claims stated in paragraphs 6 - 25, the Plaintiff asks this Court to hold defendant Medic Walker further liable for Punitive Damages.

JURY DEMAND

Plaintiff demands a Jury Trial of His Constitutional claims against Medic Walker.

Dated this 12th, Day of June, 2014.

Respectfully Submitted,



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